

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

RASHARD JOLLY,

Plaintiff,

v.

CIVIL NO. 4:16-cv-38

NANCY A. BERRYHILL,¹

Acting Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Commissioner of Social Security (“Commissioner”) to deny his claim for disability insurance benefits (“DBI”) under Title II and Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act. Plaintiff complains primarily of back and leg pain, and mental impairments.

This matter was referred to a United States Magistrate Judge pursuant to provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on July 13, 2017, recommending that the final decision of the Commissioner be affirmed. ECF No. 15. By copy of this report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 24. To date, the

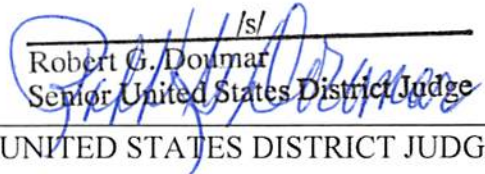
¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted in place of Carolyn W. Colvin as the defendant in this suit.

Court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

The Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on July 13, 2017. ECF No. 15. Accordingly, the Court hereby **GRANTS** the Commissioner's Motion for Summary Judgment (ECF No. 13), **DENIES** Plaintiff's Motion for Summary Judgment (ECF No. 11), and **AFFIRMS** the decision of the Commissioner.

The Clerk is **DIRECTED** to forward a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.



Robert G. Doumar /s/
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, VA
July 31, 2017